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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,)	No. CR 07-0746 JW
)	
13 Plaintiff,)	STIPULATION TO VACATE HEARING
)	DATE DUE TO ISSUANCE OF BENCH
14 v.)	WARRANT AND TO EXCLUDE TIME;
)	[PROPOSED] ORDER
15 RUDOLPH KERMIT KING,)	
aka KLEVER ROSALES,)	
16)	
Defendant.)	
17)	

18 Defense counsel, Assistant Federal Public Defender Lara S. Vinnard, and counsel for the
19 government, Assistant U.S. Attorney Thomas Newman, hereby stipulate that, subject to the
20 court's approval, the hearing in the above-captioned matter, presently scheduled for Monday,
21 January 14, 2008, should be vacated because a bench warrant has been issued for the defendant.

22 The parties further agree that time should be excluded under the Speedy Trial Act
23 pursuant to 18 U.S.C. § 3161(h)(3)(A) and (B) because Mr. King is presently unavailable and the
24 arrest warrant is pending. Accordingly, the ends of justice outweigh the defendant's and the
25 public's need for a speedy trial.
26

1 Dated: 1/9/08

_____/s/_____
LARA S. VINNARD
Assistant Federal Public Defender

3 Dated: 1/9/08

_____/s/_____
THOMAS NEWMAN
Assistant United States Attorney


6 **ORDER**

7 The parties have jointly requested that the hearing set for January 14, 2008, be vacated on
8 grounds that a bench warrant has been issued for the defendant.

9 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
10 presently set for January 14, 2008, be vacated.

11 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that time shall be
12 excluded from the period within which trial must commence under the Speedy Trial Act, 18
13 U.S.C. § 3161 et seq., beginning with the date on which the bench warrant was issued. Time is
14 excluded pursuant to 18 U.S.C. § 3161(h)(3)(A) and (B) because Mr. King is presently
15 unavailable and the arrest warrant is pending.

16
17 Dated: January 11, 2008



JAMES WARE
United States District Judge